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UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF VIRGINIA

Harrisonburg Division

** NOTICE OF PRELIMINARY HEARING **

Bankruptcy Case No.: 08-50590

Loan No.: *****5182

Chapter: 07

Judge: Ross W. Krumm

In re: Kris Bjorkman, a/k/a
Kristopher Bjorkman
Marie Ann Bjorkman
George I. Vogel, Trustee

Debtor(s)

TO THE PLAINTIFFS, DEFENDANTS AND OTHER PARTIES IN INTEREST

PLEASE TAKE NOTICE that a preliminary hearing will be held at:

US Bankruptcy Court Federal Courtroom, 3rd Floor U.S. Courthouse 116 N. Main Street Harrisonburg, Virginia 22802

on August 21, 2008 @ 10:30 a.m.

to consider and act upon the following:

Motion for Relief From Stay filed by Household Financial Services, Inc.

NOTICE IS FURTHER GIVEN that a copy of this notice has been served upon the parties as set forth in the proof of service attached hereto.

DATE: 07/18/08

/s/ Stephen B. Wood

STEPHEN B. WOOD, Esquire VSB #26518 FRIEDMAN & MacFADYEN 1601 Rolling Hills Drive Suite 125, Surry Building Richmond, Virginia 23229 (804) 288-0088

LAW OFFICES
FRIEDMAN &
MACFADYEN, P.A.
1601 ROLLING HILLS DRIVE
SURRY BUILDING, SUITE 125
RICHMOND, VA 23229

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IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF VIRGINIA Harrisonburg Division

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NOTICE: Pursuant to Local Rule 4001(a)-1(c), all parties to this Motion must file with the Court a written answer or other response permitted by applicable law within fifteen (15) days from date of service, as noted below. A copy of any pleading filed must be sent to counsel for the movant at the address noted below and to all other parties required by the applicable rule.

MOTION TO MODIFY STAY TO PERMIT FORECLOSURE OF THE DEED OF TRUST FIRST DEED OF TRUST

Now comes Household Financial Services, Inc.

(hereinafter "movant") by its attorneys Friedman &
MacFadyen, P.A. and Stephen B. Wood, Esquire and
respectfully represent unto this court:

- 1. That on or about June 9, 2008 the debtors filed a voluntary petition under the provisions of 11 U.S.C. Chapter 7.
- 2. That George I. Vogel, Trustee is the appointed Trustee in this case and is joined as a party in interest.
- 3. That the bankruptcy court has jurisdiction over this proceeding pursuant to 28 U.S.C. Section 1334 and 11 U.S.C. Section 362(a) and 28 U.S.C. Section 157.
 - 4. That at the time of the initiation of these

STEPHEN B. WOOD V.S.B. # 26518

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proceedings, the debtors are the owners of a parcel of real estate located in Augusta County, Virginia, as described in the attached Deed of Trust also known as: 185 Bald Rock Road, Verona, Virginia 24482.

- 5. That the debtors are justly indebted to Household Financial Services, Inc. pursuant to a Deed of Trust recorded among the Land Records of Augusta County, Virginia. A copy of this Deed of Trust is attached hereto as movant's exhibit "A".
- 6. That the debtors are now in default on the payment of installments due under the Deed of Trust to the secured creditor.
- 7. That the principal balance due and owing your movant pursuant to the Deed of Trust is approximately Two Hundred Eighty Four Thousand Five Hundred Seventy Two and 89/100 Dollars (\$284,572.89) through July 31, 2008.
- 8. That the debtors are presently delinquent in excess of Fourteen Thousand Eight Hundred Ninety Nine and 43/100 Dollars (\$14,899.43) through July 31, 2008.
- 9. That the amount necessary to pay the total debt through July 31, 2008 is approximately Two Hundred Ninety Nine Thousand Four Hundred Seventy Two and 32/100 Dollars (\$299,472.32).
- 10. That the debtors have not made six (6) monthly mortgage payments due and owing movant through July 31, 2008.
- 11. That the movant believes and avers that the debtors have no equity in the property since the total amount owed to movant under the terms of the Deed of Trust, including interest, costs and attorneys' fees clearly will exceed the

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value of the property.

- 12. That the interest of the movant in the said property is not adequately protected.
- 13. Further, the movant avers that it has been and continues to be irreparably injured by the automatic stay afforded the debtors pursuant to Section 362(a) of the Bankruptcy Code, which prevents the movant from enforcing its rights under its Deed of Trust.
- 14. That cause exists for lifting the automatic stay provided for under Section 362(a) of the Bankruptcy Code to permit the movant to enforce its rights under its Deed of Trust.

WHEREFORE, your movant prays:

- A. That this court enter an Order lifting the automatic stay afforded the debtors by 11 U.S.C. Section 362(a) to enable the movant, and its agents, successors or assigns to proceed with the foreclosure sale of the property and to take all action necessary to secure the possession of the property.
- B. That this court grant such other and further relief as it deems necessary.
- C. That this court waive the stay of order referenced in Federal Rule of Bankruptcy Procedure 4001(a)(3).

Friedman & MacFadyen, P.A.

/s/ Stephen B. Wood

Stephen B. Wood, Esquire 1601 Rolling Hills Drive Suite 125, Surry Building Richmond, Virginia 23229 Counsel for the Movant VSB No.: 26518

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CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Motion to Modify Stay was mailed, first class postage prepaid, and/or electronically mailed on this 18th day of July, 2008 to the following:

James O. Clough, Esquire 235 Newman Avenue Harrisonburg, Virginia 22801

George I. Vogel, Trustee P.O. Box 18188 Roanoke, Virginia 24014

Kris Bjorkman 185 Bald Rock Road Verona, Virginia 24482

Marie Ann Bjorkman 185 Bald Rock Road Verona, Virginia 24482

/s/ Stephen B. Wood

Stephen B. Wood, Esquire

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